IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODPUR

ORDER

S.B. Criminal Misc. Petition No.181/2007

(Balwant Singh & Anr. Vs. State & Anr.)

Date of Order : 19th September , 2007

HON'BLE MR. H.R. PANWAR, J.

Mr. R.S. Gill for petitioner.
Mr. Ashok Upadhyay, P.P.

By the instant criminal misc petition under Section 482 Cr.P.C., the petitioner has challenged the order dated 22nd September, 2006, passed by the learned Additional Sessions Judge, Raisinghnagar (for short `the Revisional Court') whereby the revision petition filed by the petitioner against the order dated 19th November, 2004 passed by Additional Chief Judicial Magistrate, Raisinghnagar (for short 'the trial court') was dismissed.

Heard learned counsel for the parties at length and perused the impugned orders of the courts below.

On a complaint filed by respondent No.2, police investigated the matter and filed challan, however, the police did

not file challan against present petitioners though named in the FIR and the statements recorded under Section 161 Cr.P.C. by the police.

By an application moved under Section 319 Cr.P.C, the respondent prayed that cognizance of offences may be taken against the present petitioners and they be arrayed as accused in the case and be tried together with the accused facing trial. The learned trial court after recording the statements of three witnesses namely PW1 Chinder Kaur, PW2 Harbans Singh alias Sher Singh and PW3 Sukhdev Singh and on the examination of their evidence, prima facie, came to the conclusion that apart from the accused facing trial, the present petitioners have also committed the offence and, therefore, allowed the application moved under Section 319 Cr.P.C. and the accused petitioners were summoned by bailable warrants.

On careful perusal of the material available on record, more particularly, F.I.R., statements of three witnesses noticed above under Section 161 Cr.P.C. and on oath recorded by the trial court, in my view, there is sufficient ground to array the petitioner as accused and, therefore, I do not find any error, illegality and perversity in the order impugned warranting interference invoking the inherent powers under Section 482 of the Code. In this view of

the matter, it cannot be said that the impugned order would result in serious miscarriage of justice or abuse of the process of the Court.

The instant criminal misc. petition is, therefore, dismissed.

(H.R. PANWAR), J.

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